

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ALEKSANDR PAVLOVSKIY,  
  
Defendant.

CASE NO. CR19-0211-JCC  
  
ORDER

This matter comes before the Court on the Government's unopposed motion to continue trial (Dkt. No. 62). Defendant is charged by indictment with receipt of child pornography. (Dkt. No. 16.) Trial is currently scheduled for March 15, 2021. (Dkt. No. 54.) The Government moves to continue the trial based upon the impact of the ongoing COVID-19 pandemic. (Dkt. No. 62 at 2–4.) Defendant, who does not oppose, has filed a speedy trial waiver through late October 2021. (Dkt. No. 64.) Having thoroughly considered the motion, the relevant record, and General Orders 01-20, 02-20, 03-20, 04-20, 07-20, 08-20, 13-20, 15-20, and 18-20 of the United States District Court for the Western District of Washington, addressing measures to reduce the spread and health risks from COVID-19, which are incorporated herein by reference, the Court GRANTS the motion for the reasons explained below.

The Government seeks a continuance because the COVID-19 pandemic makes it unlikely that it will be possible to proceed with a jury trial on March 16, 2021. (Dkt. No. 62 at 2–3.) The

1 Government cites findings from General Order 18-20, which are incorporated by reference  
2 herein. (*See id.* at 2–3 (citing W.D. Wash., General Order No. 18-20 at 2 (Dec. 30, 2020).) The  
3 Government also notes that effective trial preparation has been hampered by the COVID-19  
4 pandemic, as it requires in-person interviews of relevant witnesses, in-person meetings between  
5 counsel and Defendant, and in-person consideration of evidence, none of which is currently  
6 possible. (*Id.* at 3.)

7 For these reasons, the Court CONTINUES trial to August 16, 2021 and FINDS as  
8 follows:

- 9 1. In light of the recommendations made by the Centers for Disease Control and  
10 Prevention (CDC) and Public Health for Seattle and King County regarding social  
11 distancing measures required to stop the spread of this disease, it is not possible to  
12 proceed with trial on the current case schedule. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 13 2. Because of the recommendations that the many individuals at higher risk of  
14 contracting this disease avoid large groups of people, and because vaccination of  
15 those groups is not complete, it would be difficult, if not impossible, on the current  
16 case schedule to obtain a jury pool that would represent a fair cross section of the  
17 community. *See* 18 U.S.C. § 3161(h)(7)(B)(i). Based on the recommendations, it  
18 would also be medically inadvisable to do so.
- 19 3. Further, taking into account the exercise of due diligence, the failure to grant a  
20 continuance would deny Defendant’s counsel reasonable time necessary for effective  
21 preparation. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).
- 22 4. As a result, the failure to grant a continuance of the trial date in this case would likely  
23 result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 24 5. The ends of justice served by continuing the trial in this case outweighs the best  
25 interest of the public and Defendant in a speedier trial. 18 U.S.C. § 3161(h)(7)(A).

26 Accordingly, the Court ORDERS:

1. Trial in this matter is CONTINUED to August 16, 2021.
2. The pretrial motions deadline is CONTINUED to July 5, 2021.
3. The period of time between the date of this Order and the new trial date is an excludable time period under 18 U.S.C. § 3161(h)(7)(A).

DATED this 9th day of February 2021.

A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE